

**MINUTES OF THE
THREE THOUSAND EIGHTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
JUNE 12, 2017**

Directors having been duly notified, Chairman Lente called the regular meeting to order at 3:00 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

Derrick J. Lente	Chair
Glen Duggins	Vice-Chair
Adrian Oglesby	Director
Karen Dunning	Director
John P. Kelly	Director
Chris Sichler	Director
Beverly Romero	Director

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Ray Gomez	Engineer Supervisor
Mike Lopez	Construction Technician
Alicia Lopez	Engineer Technician
Sloan Washburn	Belen Division Manager
Lorenzo Benavidez	Socorro Division Manager
David Gensler	Water Operations Manager
Joe Brem	Albuquerque Division Manager
Daniel Arquero	Cochiti Division Manager
Sarah Avallone	Assessment & Collection Officer
Rebecca Thompson	Assessment/Collection Clerk I

The following individuals were interested viewers and/or participants:

Joaquin Baca, Board Member Elected Valerie Moore, Board Member Elected Orlando Lucero Connie Dennison Ted Montoya Margaret Milligan Linda Gattas	Barbara Baca Howard Higgins Maxine Paul, Pueblo of Santa Ana Susan Kelly Gary Stansifer, OSE Jennifer Faler, USBR Viola Sanchez, BIA Adele Thompsen
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AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Lente requested that Director Sichler and Oglesby lead the Pledge of Allegiance.

Chairman Lente welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – CALL TO ORDER

Chairman Lente asked for Lorna Wiggins, General Counsel

- a. Oaths of Office – Judge Henry M. Bohnhoff, New Mexico Court of Appeals

Judge Henry M. Bohnhoff, requested that Karen Dunning, Position 3 – Bernalillo County, Joaquín Baca, Position 4 – Bernalillo County, Valerie Moore, Position 6 – Socorro County and

Derrick J. Lente, Position 7 – Sandoval County approach the podium and Judge Bohnhoff then recited the Oath of Office to each elected Director and signed the Oath of Office.

b. Presentation of Election Certificates

Judge Bohnhoff presented the Certificate of Election to Karen Dunning, Joaquín Baca, Valerie Moore and Derrick J. Lente, and the Judge read each certificate into the record.

Chairman Lente presented commemorative plaques to the outgoing Board members; Director Oglesby and Director Sichler. Chairman Lente read the inscription on the plaques into the record. Mr. Hamman presented the two Directors MRGCD Jackets with their names embroidered. Director Oglesby and Director Sichler each presented parting remarks expressing their thanks to the Board and how it has been a pleasure working with the Staff for the last eight years, and that the District is in good shape and are comfortable on how the way things are going.

All of the existing Board Members each individually thanked Directors Oglesby and Sichler for their contributions to the District and how well they represented their constituents in their respective county.

Chairman Lente, expressed his appreciation for the two Directors that are leaving, and also to the rest of the Board that are still sitting with him today and also the newly elected Directors as this will be his last day as Board Chairman. He stated it has been a fantastic eight years. He also recognized his father and daughter, Mr. Jerry Lente and Jade.

Chairman Lente invited the Board and public to an informal reception in the MRGCD Conference Room and said the Board meeting would reconvene in approximately 15 minutes.

Meeting was called back into session at 3:45 pm.

AGENDA ITEM NO. 3 – REORGANIZATION OF THE BOARD (Lorna Wiggins, MRGCD General Counsel)

Ms. Wiggins said they are now at the point where the Board will reorganize and elect a Chair and a Vice Chair. She said nominations are now in order, and she accepted nominations for the Chair. Director Dunning nominated John Kelly. Ms. Wiggins asked if there are any more nominations and if not, she would like a motion to close the nominations. Director Romero made the **MOTION TO CLOSE THE NOMINATIONS**. Director Dunning seconded the motion. Ms. Wiggins called for those in favor and the **MOTION CARRIED** unanimously. She said that John Kelly is declared elected to the position of Chairman of the Board. She said she can run the election for Vice Chair or turn it over to Chairman Kelly to proceed. Chairman Kelly requested that Ms. Wiggins proceed.

Ms. Wiggins said that nominations are now in order for Vice Chairman of the MRGCD Board of Directors. Director Kelly said he would like to nominate Glen Duggins as Vice Chair. Ms. Wiggins called for other nominations. Ms. Wiggins said if there are no other nominations that she would request a motion to close. Director Romero made the **MOTION TO CLOSE THE NOMINATIONS**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously. Director Duggins has been elected Vice-Chair.

Chairman Kelly and Vice-Chair Duggins expressed their appreciation for the vote of confidence and committed to work diligently with the Board and staff, and will also depend on legal counsel to provide legal advise, and make sure they conduct these meeting in accordance with the appropriate rules and regulations.

AGENDA ITEM NO. 5 – APPROVAL BILLS & PAYROLL RATIFICATION

a. Payment Ratification – June 12, 2017

Chairman Kelly called for approval of the Bills and Payroll Ratification for June 12, 2017. Director Moore asked a question regarding the retiree healthcare premium reimbursement. Mr. Ferguson responded that employees that retire from the District and meet the policy requirements for the reimbursement the retire will received 80% for their retirement insurance, and when the retiree becomes Medicare eligible this benefit terminates. All payment ratification questions were answered thoroughly.

Director Dunning **MADE THE MOTION TO APPROVE THE BILLS AND PAYROLL RATIFICATION FOR JUNE 12, 2017 AS PRESENTED.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration / Approval of April 2017 Invoice for Wiggins, Williams and Wiggins

Chairman Kelly called for approval of the April 2017 invoice for Wiggins, Williams and Wiggins.

Director Moore made the **MOTION TO APPROVE THE APRIL 2017 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration / Approval of April 2017 Invoice for Law and Resource Planning Associates

Chairman Kelly called for approval of the April 2017 invoice for Law and Resource Planning Associates

Director Duggins made the **MOTION TO APPROVE THE APRIL 2017 INVOICE FOR LAW AND RESOURECE PLANNING ASSOCIATES.** Director Moore seconded the motion. The **MTION CARRIED** unanimously.

- d. Consideration / Approval of May 2017 Invoice for Wiggins, Williams and Wiggins

Chairman Kelly called for approval of the April 2017 invoice for Wiggins, Williams and Wiggins.

Director Romero made the **MOTION TO APPROVE THE APRIL 2017 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

- e. Consideration / Approval of May 2017 Invoice for Law and Resource Planning Associates

Chairman Kelly called for approval of the May 2017 invoice for Law and Resource Planning Associates

Director Dunning made the **MOTION TO APPROVE THE MAY 2017 INVOICE FOR LAW AND RESOURECE PLANNING ASSOCIATES.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 6 – APPROVAL OF THE MINUTES

- a. Regular Board Meeting – May 8, 2017

Chairman Kelly called for approval of the minutes for the Regular Board Meeting May 8, 2017.

Director Duggins made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING MAY 8, 2017 AS AMENDED.** Director Dunning seconded the motion. The **MOTION CARRIED.**

b. Special Board Meeting – May 22, 2017

Chairman Kelly called for approval of the minutes for the Special Board Meeting May 22, 2017.

Director Dunning made the **MOTION TO APPROVE THE MINUTES OF THE SPECIAL BOARD MEETING MAY 22 2017 AS AMENDED.** Director Duggins seconded the motion. The **MOTION CARRIED AS MODIFIED.** Chairman Kelly abstained.

Chairman Kelly called for questions. Director Dunning stated that the Resolution for the Capital Reserve Fund approved at the May 22, 2017 was not copied over correctly.

AGENDA ITEM NO. 7 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Orlando Lucero, candidate for Position 7 stated he had heard comments that Algodones, Pena Blanca and Sile had been cut out of having a voting center, and Pena Blanca and Sile had to travel 40 miles to Cochiti to vote and they just didn't vote, and expressed that voting centers in those areas should have not been eliminated because they had to drive 40 miles to vote. Chairman Kelly responded the Board shares the concerns and has tried to do the best they could a year prior to any candidate filling.

Mr. Ted Montoya congratulated everybody who ran and won, he stated he had to vote by proxy and was required to come and prove that he was a property owner. He said he has owned property for almost 60 years and not allowed to vote. Chairman Kelly directed Mr. Hamman to check the property ownership and find out why Mr. Montoya's name wasn't in our records. The Chairman also stated he has been working very closely with the Eastern Sandoval Arroyo Flood Control Authority on limited discharge in the Bernalillo Lateral, but there is a real challenge because there is no direct outfall to the river and that's one of the problematic areas. Mr. Montoya stated this situation causes people to pay for flood insurance. Chairman Kelly responded the District is actively working with both the Flood Control Authority and the Town of Bernalillo.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

Bureau of Reclamation – Jennifer Faler, BOR Area Manager provided a brief overview about the Bureau of Reclamation, and stated the BOR and the District have a complicated relationship on the Middle Rio Grande. It's a project that the MRGCD actually built, and there is a federal role as well. She stated BOR has some co-ownership of lands and lots of issues that come along, and she looks forward to continuing to work with Board. Ms. Faler continued to update the newly elected Board on other issues, etc.

1. Heron Summary

Content = 173,663 ac-ft. (6/7)
Azotea Tunnel: 900-1,000 cfs
Total SJC inflow year-to-date: 109,901 ac-ft.
Currently releasing 0 cfs
Current MRGCD storage: 11,732 ac-ft.

2. El Vado Summary

A. Total storage (all contractors and natural) in El Vado as of 6/7:
118,641 ac-ft.

- B. Native in El Vado
104,215 ac-ft.
- C. MRGCD's SJ-C storage in El Vado
0 ac-ft.
- D. P&P
14,336 ac-ft
- E. USBR EDWA: :
0 ac-ft. .
- F. All other SJ-C contractors:
91 ac-ft.

Current release is 500 cfs RG inflow is 1,700 cfs

3. Storage in Abiquiu

Content = 154,228 ac-ft. (6/7)
MRGCD's SJ-C storage = 31,133 ac-ft.

Total water released to date for minnow in 2017: 0 ac-ft.

Snowpack Data:

Almost all SNOTEL sites melted out

a. Bureau of Indian Affairs – Viola Sanchez, Designated Engineer

Ms. Sanchez updated the Board on the following matters:

BIA

1. Designated Engineer Status
2. Tribal Irrigation Conference Calls
3. Startup date
4. Current O&M Agreement No. A16AC00027, Activity Reports and Quarterly Meetings
5. Winter Work List / Annual Work Plan (AWP)
 - AWP List for 2017/2018 Winter Season
6. Other
 - Safety requirements, vehicle and pedestrian crossings
 - Incorporate a modification into BIA-MRGCD O&M contract regarding "Policy" from BOR
 - Inventory of Bridges and Culverts
 - Confidentiality and BOR Irrigation infrastructure report drawings

MRGCD

1. Update on staff changes
2. Water Management Issues
 - Field documentation of shortages
 - El Vado water cooperation's Spring 2017
 - Levee issues

OTHER

1. Use of >kmz file for AWP's

2. Design standards update – Status
3. Biological Opinion issues and consultations - Status
4. Isleta Diversion Dam upgrade consultations – Status
5. USACE levee study from Bernalillo to Belen
6. Rate increases for this season – Status
7. Collaborative program meetings suspended

COMMENTS/CONCERNS FROM PUEBLO

There was more discussion, etc. The Chairman went on to the next agenda item.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman)

- a. Bid Abstract and Approval – Rotary Mowers Socorro Division, Jeanette Bustamante, Administrative Officer.

Memorandum

To: MRGCD Chairman Lente and Board of Directors
 Mike A. Hamman, CEO/CE
 David Fergeson, Secretary-Treasurer
 Jeanette Bustamante, Chief Procurement Officer



From: Richard DeLoia, Purchasing Agent *RD*

Date: June 2, 2017

Re: ROTARY MOWER FY2017

Request for Bid was advertised on May 7th and 9th, 2017. Five (5) Request for Bids were issued to equipment dealers and on May 21, 2017 two (2) bids were received as follows:

VENDOR	ROTARY BATWING MOWER	GRAND TOTAL
4 RIVERS EQUIPMENT	\$17,253.00	\$34,506.00
TITAN MACHINERY	\$34,789.00	\$69,578.00

After thorough review, Staff is recommending award to the Lowest Responsible Bidder 4-Rivers Equipment for a grand total amount of \$34,506.00

Socorro budget amount - \$30,000.00

****Mower price came in less than budgeted amount and two (2) rotary mowers needed.**

Chairman Kelly called for approval for staff recommendation for 2 each Rotary Mowers.

Director Dunning questioned where is the additional \$4,000 coming from and Mr. Fergeson stated that there has been saving in other areas and monies will be transferred from other line items. Chairman Kelly at this price we saved \$17,000 on each.

Director Dunning made the **MOTION TO APPROVE STAFF RECOMMENDATION AND AWARD 2 EACH ROTARY MOWERS TO 4 RIVERS EQUIPMENT IN THE TOTAL AMOUNT OF \$34,506.00.** Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

b. Water Availability Report – David Gensler – MRGCD Hydrologist

Mr. Gensler reported the Runoff of 2017 is winding down, and it has been a really nice runoff. We saw a peak flow entering the MRG Valley at a little over 6,000 cfs during the third week of May, and today we are down to about 3,500-3,600 cfs. We will continue that trend downwards over the coming week. Storage is still occurring, normally we would be done by now. We have bypassed flows through May below Abiquiu channel capacity. The goal is to get to 150,000 acre feet total storage at El Vado, and we've got about 23,000 acre feet yet to store.

This has been a confusing year. We were in Article 7; we got out of Article 7 storage; we have Article 8 water locked up; We have Prior and Paramount reserve set aside; we've moved SJC water down to Abiquiu. It has been very confusing.

When the dust settle, assuming we hit that 150,000 acre foot target at El Vado, MRGCD should have about 84,000 acre feet of usable Rio Grande Water in storage at El Vado. There has been no shortage in 2017. Wouldn't expect any Water Bank curtailments in a year like this with the storage we have.

There may be some releases of water from El Vado at the end of the year to meet the Compact. Prior and Paramount reserve will likely not be used this year

A little minnow news, daily egg collection and monitoring this year have shown almost no eggs, other years thousands of eggs were caught. This year we are catching just an occasional egg here and there. Fish have moved up into the Bosque. They are spawning on the floodplain we presume, and, so not catching eggs in the drift is probably a good sign. Biologists out there report seeing lots of larval fish on the floodplain. As flows start to trend downwards there will be some care taken to avoid flows coming off the floodplain too quickly and stranding fish.

Director Dunning asked if there has been an increase in the Water Bank this year. Mr. Gensler responded there have been more people coming in to apply for the Water Bank. We have also been going through the District's records and finding those properties that the State Engineer's Office has notified us that have been severed. Property owners are being sent letters from the District and the ISO is also advising them they are not able to water. There was additional discussion on runoff water and river water, etc.

c. Update on El Vado Dam Corrective Action Study – Mike Hamman, MRGCD CEO

Mr. Hamman reported that the Reclamation Provo Office is performing the construction management for the project. There is a new dam safety concern with runoff and the Denver Technical Staff have requested high levels of monitoring when the elevation exceeds 6875. Operations staff will provide weekly reports on seepage and other observations.

The next step is for MRGCD to approve a repayment agreement for the El Vado Corrective Action to continue. All feasibility costs would be rolled up with the repayment contract for construction. Reclamation has a top rate team on this project and will be keeping the District in the loop. Chairman Kelly remarked that the cost split is 15% of \$7.5 million, and would it behoove us to get a financial adviser.

Mr. Hamman stated BOR will start drafting an agreement that will include language for prepayment that could use a District bond or other financing.

d. **Update on Levee Condition South of Isleta Dam - Mike Hamman, MRGCD CEO**

Mr. Hamman reported the Rio Grande peaked over 6,000 cfs at Cochiti and the Corp was pushed that through. There was concern at Bosque Farms because of accumulated sediment and vegetation in the river channel. The channel capacity has diminished, and we saw a lot of seepage coming into the drains in a number of areas. There was also concern of sluffing on the drain side. We have spent approx. \$100K to repair the drain side with fill material and rock. Mr. Gomez is in the process of updating an Emergency Response Plan in coordination with all local governments that will include staging areas for levee repair materials.

The long term goal is to work with the Corp and State of New Mexico for preplanning access points, appropriate rock sizes and stockpiling material, and get credit for working on the drains. The Corp is willing to accept the long term plan. Mr. Hamman stated it is a very dynamic situation.

e. **Report – NWRA New Mexico Section Meeting, May 24, 2017 – Mike Hamman, MRGCD CEO**

Mr. Hamman reported the NWRA NM members met to discuss the upcoming conference in Santa Fe in August. We discussed how to utilize the all of the sponsorship funds from each agency to develop a New Mexico perspective for this national group. The evening reception will be cost shared by MRGCD and the other NM members.

f. **Report – Invitation from Senators Udall and Heinrich to Testify on NM Drought Preparedness Act – June 14, 2017 – Mike Hamman, MRGCD CEO**

Mr. Hamman referred the Board to the copy of the written testimony in the packet. This bill was one of four (4) other bills being heard and he testified on the components of the Act that would benefit the District and middle valley water users, but there are other issues and concerns to water users that he highlighted that includes making legislative changes to agency authorities that enable them to provide more operational flexibility within the Rio Grande reservoir system. This was a great opportunity to share with Congress what we deal with in New Mexico.

g. **Set Dates for Tour of El Vado Dam and San Juan Chama Project – Mike Hamman, MRGCD CEO**

Mr. Hamman discussed several dates for the El Vado Tour and July 13 and 14, 2017 were the dates that worked best for the Board members wishing to attend. Mr. Hamman advised the Board this would be an overnight trip. Director Kelly asked that Ms. Bustamante send out an email and confirm who will be attending the El Vado Tour, etc.

h. **Approved Licenses for May 2017 (For Informational Purposes Only)**

AGENDA ITEM NO. 10 – REPORT(S) FROM THE ATTORNEY (Chief Water Counsel and/or General Counsel)

a. **Board update on the William M. Turner vs. MRGCD lawsuit, MRGCD General Counsel, Lorna Wiggins**

Ms. Wiggins provided a brief history of the law suit that was first filed against the District and the State Attorney General's Office and another alleging that his rights were violated, and there was abuse of process when there was a complaint filed against him for the unauthorized practice of engineering. Years later, the lawyer defending the District filed a Motion to Dismiss, alleging that it was untimely filed and the District Court agreed and agreed with all of the other Motions to Dismiss on the same basis. So the case was dismissed.

A second lawyer representing Mr. Turner filed a Motion with the court to reconsider the dismissal, and that was recently denied. Unfortunately a third lawyer will likely file an Appeal. That Appeal would be filed with the Tenth Circuit Court of Appeals. I will keep the Board posted. Otherwise, this action has successfully concluded in the District's favor and in the favor of the two employees who were named as Defendants in the lawsuit.

Dr. DuMars did not have any matters to report on but took the opportunity to congratulate the Board Members that were elected and advise them they are joining a very talented existing board and their roles as Directors is incredibly unique and also have a responsibility, greater than they ever imagined. Dr. DuMars advised the new Directors he will put together a packet with current litigation, big issues, etc.

Director thanked Dr. DuMars and advised the Board he will looking at the Committees and Committee assignments.

AGENDA ITEM NO. 11 – REPORT(S) FROM THE BOARD

- a. Report – MRGCD Personnel Committee on May 19, 2017 – Directors Romero, Dunning and Oglesby

Director Romero advised the Board this subject was covered at the May 19, 2017 meeting and action was taken but the report was not on the agenda for approval.

Chairman Kelly called for a motion to approve the Personnel Report provided at the May 19, 2017 Board Meeting.

Chairman Kelly stated he would make the motion; Committee Member should not have to approve their own report; Chairman Kelly made the **MOTION TO APPROVE THE PERSONNEL COMMITTEE REPORT given on May 19, 2017**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

Chairman Kelly said we have come to the end of the Board Meeting and if there are no further comments, questions or concerns, I call for a motion to adjourn.

Director Baca made the **MOTION TO ADJOURN THE MEETING**. Director Romero seconded the motion and the **MOTION CARRIED** unanimously.

The meeting was adjourned at 5:27 pm.

Approved to be the correct Minutes of the Board of Directors for June 12, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

John P. Kelly, Chairman